The opinion in support of the decision being entered today was <u>not</u> written for publication and is <u>not</u> binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE
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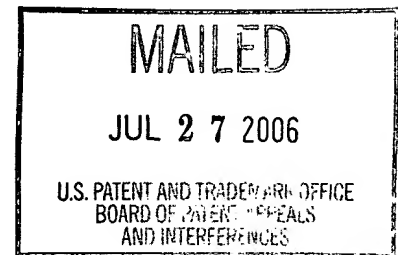BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES
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<u>Ex parte</u> NGA T. DANG

Appeal No. 2006-1627
Application No. 09/934,945

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ON BRIEF

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Before HAIRSTON, BARRY, and MACDONALD, <u>Administrative Patent Judges</u>.

HAIRSTON, <u>Administrative Patent Judge</u>.

DECISION ON APPEAL

This is an appeal from the final rejection of claims 12 through 35.

The disclosed invention relates to a method and system in which an applet simultaneously displays first and second windows outside of the constraints of a browser application window.

Claim 12 is illustrative of the claimed invention, and it reads as follows:

12. A computer implemented method for displaying multiple windows comprising:

a browser application on a computer executing an applet;

the applet displaying a first window outside of the browser application's window constraints using a class, wherein the class comprises elements that make a window displayed by the applet look like an executing application; and

the applet displaying a second window outside of the browser application's window constraints simultaneously with the first window using the class.

The references relied on by the examiner are:

Razavi et al. (Razavi)	6,401,134	June 4, 2002 (filed July 25, 1997)
Nguyen et al. (Nguyen)	6,412,021	June 25, 2002 (filed Feb. 26, 1998)

Claims 12 through 35 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Razavi in view of Nguyen.

Reference is made to the briefs and the answer for the respective positions of the appellant and the examiner.

OPINION

We have carefully considered the entire record before us, and we will sustain the obviousness rejection of claims 12 through 15, 17 through 23, 25 through 31 and 33 through 35, and reverse the obviousness rejection of claims 16, 24 and 32.

Razavi describes a method and system in which an applet displays a window 420 outside of the constraints of the browser application window 410 via the use of a class (Figure 4; Abstract; column 3, lines 13 through 18; column 3, line 66 through column 4, line 30; column 5, lines 1 through 20).

With respect to the teachings of Razavi, the examiner makes the following findings (answer, page 5):

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> Since the applet functions as any ordinary application window on
> the desktop, and that the applet components includes dialog boxes
> and pop-up windows (1:42-44, 8:59-62), it inherently appears that
> applet have [sic, the applet has] the functionality of displaying a
> second window simultaneously (i.e., the second window is
> displayed while, during the applet window is displayed) with the
> applet window. I.e., any "ordinary application window" may have
> sub-windows its hierarchy. . . . Although Razavi clearly discloses
> that the applet has the functionality of simultaneously displaying
> the second window as set forth above, Razavi fails to clearly teach
> the displaying of the second window.

Although Razavi does not expressly state that a second applet window is displayed, we

find that a dialog box as well as a pop-up window described in Razavi will produce a second

applet window displayed on the applet window[1], albeit not as large as the applet window. Such a

second window is required by the claims on appeal to be outside of the browser application

window, but not outside of the applet window. We additionally find that Nguyen expressly states

that an applet displays a small pop-up window or dialog box in conjunction with the applet

display (column 9, lines 46 through 55; column 12, lines 20 through 34). The teachings of

Nguyen are, therefore, merely cumulative to the teachings of Razavi. In view of the teachings of

Razavi and Nguyen, we disagree with appellant's arguments (reply brief, pages 5 and 6) that

neither reference teaches an applet that simultaneously displays a second window. Thus, the

obviousness rejection of claims 12, 20 and 28 is sustained based upon the teachings of Razavi

and Nguyen. The obviousness rejection of claims 13 through 15, 21 through 23 and 29 through

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[1] In the prior art described in Razavi, the pop-up window or dialog box was constrained to be inside the application window (column 1, lines 40 through 44). When the separate applet window is created, the pop-up window or dialog box is created over the applet window (column 8, line 59 through column 9, line 3).

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31 is likewise sustained because appellant has not presented any patentability arguments for these claims apart from the patentability arguments presented for claims 12, 20 and 28.

Turning next to the obviousness rejection of claims 16, 24 and 32, we agree with the appellant's argument (brief, page 10; reply brief, page 7) that "[w]hen the applet is executed again by the browser, only one window can be reopened." Neither the pop-up window nor the dialog box in Razavi is part of the history of the applet (column 3, lines 23 through 25; column 6, lines 41 through 45; column 8, lines 15 through 18), and neither window would be reopened when the browser executes the applet again. Accordingly, the obviousness rejection of claims 16, 24 and 32 is reversed.

In the obviousness rejection of claims 17, 25 and 33, appellant argues (brief, page 11) "[n]owhere does Razavi teach that the windows remain open when the browser switches to a new web site; on the contrary, Razavi teaches that the application closes these windows, and automatically closes the applet as well." Appellant's argument to the contrary notwithstanding, we agree with the examiner's position (answer, page 4) that "[t]he applet window continues . . . open after the user switches to a new web site (7:45-45 [sic, 47])," and that "[a]ll windows are closed responsive to an exit (CLOSE) command (7:50-55)." Based upon the teachings of Razavi, the obviousness rejection of claims 17, 25 and 33 is sustained.

The obviousness rejection of claims 18, 26 and 34 is sustained because the pop-up window or dialog box will provide information to respond to an event or status displayed in the applet window.

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The obviousness rejection of claims 19, 27 and 35 is sustained because the applet in

Razavi can monitor hardware/software at two locations when the URL of a new host is accessed

with the applet still running (column 7, lines 45 through 47).
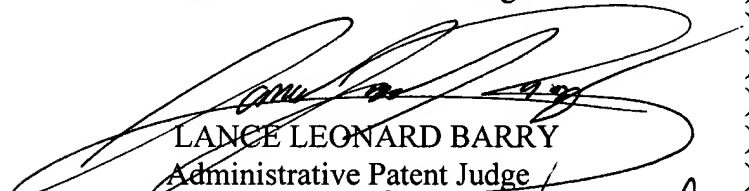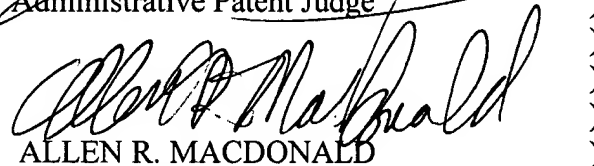
<div align="center">DECISION</div>

The decision of the examiner rejecting claims 12 through 35 under 35 U.S.C. § 103(a) is

affirmed as to claims 12 through 15, 17 through 23, 25 through 31 and 33 through 35, and is

reversed as to claims 16, 24 and 32.

No time period for taking any subsequent action in connection with this appeal may be

extended under 37 CFR § 1.136(a)(1)(iv).

<div align="center">AFFIRMED-IN-PART</div>

KENNETH W. HAIRSTON
Administrative Patent Judge   )
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) BOARD OF PATENT
LANCE LEONARD BARRY   )
Administrative Patent Judge   ) APPEALS AND
)
) INTERFERENCES
)
ALLEN R. MACDONALD   )
Administrative Patent Judge   )

KWH/rwk

Appeal No. 2006-1627
Application No. 09/934,945

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